

STAND. COM. REP. NO.

2032

Honolulu, Hawaii

Feb. 13, 2006

RE: S.B. No. 2049
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Transportation and Government Operations and Intergovernmental Affairs, to which was referred S.B. No. 2049 entitled:

"A BILL FOR AN ACT RELATING TO DERELICT VEHICLE,"

beg leave to report as follows:

The purpose of this measure is to repeal the criterion of "ten model years or older" from the definition of derelict vehicle purposes of the derelict vehicle law, and to conform the references of the Housing and Community Development Corporation of Hawaii to the Hawaii Public Housing Administration.

Your Committees received testimony in partial support of this measure from the State Attorney General, and testimony in support from the Honolulu Customer Service Department, Hawaii County Environmental Management Department, and Windward Ahupua'a Alliance.

The intent of this measure is to allow faster removal of abandoned vehicles from public roads. In the case of *Wong v. City and County of Honolulu*, 333 F. Supp. 2d 942, (D. Hawaii 2004), Judge Kay of the United States District Court ruled that disposing of a vehicle deemed derelict under current law because it is ten model years or older, without providing notice to the owner, violates procedural due process. This measure would delete that reference in section 290-8(6), Hawaii Revised Statutes.




The testimony of the Attorney General indicated that the new language in this measure referencing a vehicle abandoned under section 290-1, Hawaii Revised Statutes, should be deleted because it caused similar constitutional problems. Your Committee has amended this measure accordingly by deleting the new language.

As affirmed by the records of votes of the members of your Committees on Transportation and Government Operations and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2049, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2049, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Government Operations and
Intergovernmental Affairs,



DAVID Y. IGE, Chair



LORRAINE R. INOUE, Chair



The Senate
Twenty-Third Legislature
State of Hawaii

**Record of Votes of the
Committee on Transportation and Government Operations
(Bills and Resolutions)**

Measure:* <div style="text-align: center; font-size: 1.2em;">SB 2049</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">TGO / IGA</div>	Date: <div style="text-align: center; font-size: 1.2em;">2/9/06</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313) </div>				
Members	Ayes	Ayes(WR)	Nays	Excused
INOUE, Lorraine R. (C)	✓			
ESPERO, Will (VC)	✓			
BAKER, Rosalyn H.				✓
HEE, Clayton				✓
KANNO, Brian				✓
MENOR, Ron	✓			
WHALEN, Paul	✓			
TOTAL	4			3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Will Espino</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

*Do not list more than one measure per Record of Votes.

**Record of Votes of the
Committee on Intergovernmental Affairs
(Bills and Resolutions)**

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